

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
August 29, 2002

NRB APPROVES HEARINGS FOR DRY CLEANER RULES

At its August meeting the Natural Resources Board (NRB) authorized public hearings for changes to the Dry Cleaner Environmental Response Fund (DERF) rule, NR 169. The proposed changes were developed in consultation with an advisory group and with the Governor's Council for DERF. The changes incorporate statutory changes to the program, and also update the consultant selection and bidding processes. A video-conference public hearing will be scheduled in mid-October, with the public comment period ending November 1st. A summary memo and the proposed rule language are on our "Regulations" web page at http://www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm#anchor74198. Further information about DERF is on our "Dry Cleaners" web page at <http://www.dnr.state.wi.us/org/aw/rr/financial/dryclean.html>. If you have questions, please contact Robin.Schmidt@dnr.state.wi.us, or at 608-267-7569.

RULE CHANGE REMINDER

Don't forget that chapters NR 700, 714, 722, 726 and 749, Wis. Adm. Code changed on August 1, 2002, with the addition of soil contamination to the GIS Registry of Closed Remediation Sites. You can access administrative rules on the Revisor of Statutes web page at <http://www.legis.state.wi.us/rsb>. You can also access the NR 700 rules through our RR Program web "Regulations" page at http://www.dnr.state.wi.us/org/aw/rr/wi_regs/index.htm. Order printed copies of administrative rules from the state office of document sales at 608-266-3358 (or 800-362-7253 for VISA and Mastercard orders).

BROWNFIELDS FEDERAL TAX INCENTIVE

We have updated our federal brownfields tax incentive fact sheet (PUB-RR-592)

<http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR592.pdf>. This tax incentive provides a deduction from federal taxable income for certain taxpayers for investigation or cleanup of certain properties. To apply the deduction, a property owner that meets the requirements must obtain a statement from DNR that the property is a qualified contaminated site. The federal tax deduction is available for nearly all locations that have had a release of an eligible hazardous substance, but petroleum, products used in buildings, and properties on EPA's National Priorities List are not eligible. Qualified environmental remediation expenses must be paid or incurred between December 21, 2000 and December 31, 2002. For more information, contact Percy.Mather@dnr.state.wi.us, or at 608-266-9263. Applicants need to complete Form 4400-206, <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/4400-206.pdf>, attach the necessary information, and send the materials to the appropriate DNR regional project manager.

GRANTS FROM WISCONSIN COASTAL MANAGEMENT PROGRAM

The WI Coastal Management Program of the WI Dept. of Administration has \$1.6 million in federal funds available for coastal management grants to protect and enhance access to the Great Lakes and their coasts. These grants can be awarded to local and tribal governments, state agencies and non-profit organizations working in the 15 Great Lakes coastal counties. Grants may be used for land acquisition, wetland

protection, habitat restoration, run-off pollution control, community planning, education, public access to the Great Lakes and preserving historic and archaeological resources. The projects require local matching contributions. Applications are due November 8, 2002. For additional information, call the WI Coastal Management Program staff at (608) 266-0288. They are holding free grant workshops around the state:

- Monday, September 16, 1:00-3:00, Wehr Nature Center, Whitnall Park, Franklin
- Thursday, September 19, 1:00-3:00, Brown County Library, Green Bay
- Monday, September 23, 1:30-3:30, Indianhead Technical College, Superior <http://www.doa.state.wi.us/dhir/boir/coastal/>

UPDATED GIS CHECKLIST

We have completed minor revisions to our checklist of documents for the GIS Registry of Closed Remediation Sites. This checklist helps consultants submit all the necessary information with a case closure request for sites that will be included on the registry. The fee check-box is now two check-boxes, one for groundwater and one for soils, to help staff identify whether the closure includes GIS Registry information for soil, groundwater, or both. The checklist is on the web at <http://www.dnr.state.wi.us/org/aw/rr/archives/pubs/RR688.pdf>.

FILE TRANSFERS - AND RETURNS

Most environmental consultants have become accustomed to sending their case closure requests for LUST sites to either DNR or the Department of Commerce, depending on the risk factors identified during the site investigation. However, sometimes consultants send requests to the wrong agency, delaying action on their closure request. DNR's site tracking database (BRTS) shows that in the fiscal year ending June 30, 2002, Commerce and the Department of Agriculture, Trade and Consumer Protection received jurisdiction for 576 sites where a discharge notification had been made to DNR. Of that number, Commerce transferred 144 (25%) of the total to DNR because the site fell under DNR jurisdiction. All petroleum contamination case closure requests where a high risk factor has existed (or still exists), or where petroleum is co-mingled with non-petroleum contamination, should be submitted to DNR. All other closure requests for LUST and AST sites should be submitted directly to Commerce. High risk factors include 1) confirmed contamination in a water supply well above an NR 140 preventive action limit, 2) confirmed petroleum product with a thickness of .01 feet or more, 3) groundwater contamination above an NR 140 enforcement standard within 1000 feet of a public well, 4) groundwater contamination above an NR 140 enforcement standard within 100 feet of a private water supply well, and 5) groundwater contamination above an NR 140 enforcement standard in fractured bedrock.

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